

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

GARY R. PRINCE REVOCABLE  
TRUST; GARY R. PRINCE TRUSTEE;  
GARY PRINCE; CHRISTOPHER  
CAMPBELL; WILLIAM LISTON; and  
DIANE L. LISTON

v.

CHRIS BLACKWELL, personally and  
d/b/a Blackwell Construction; WILLIAM  
BLACKWELL; DBS & ASSOCIATES  
ENGINEERING OF CLARKSVILLE, INC.<sup>1</sup>

No. 3-09-0475

ORDER

Pursuant to the order entered March 16, 2011 (Docket Entry No. 112), counsel for the parties called the Court on March 24, 2011, at which time the following matters were addressed:

1. The plaintiffs expect to file an amended complaint, pursuant to the order entered March 15, 2011 (Docket Entry No. 111), by March 24, 2011.

2. The defendants shall have until April 14, 2011, to file a response to the amended complaint, and they expect to serve written discovery before or at that time.

3. The plaintiffs shall respond to written discovery within 30 days to the extent that they are able to do so, but shall have until July 1, 2011, to serve written responses if necessary.

4. The plaintiffs shall have until July 1, 2011, to serve an expert report, in accord with Rule 26(a)(2) of the Federal Rules of Civil Procedure, relating to the plaintiffs' claim of the latent construction defect resulting from failure to construct firewalls, the applicable code requirements and violations, and the cost of repair.

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<sup>1</sup> By order entered July 22, 2009 (Docket Entry No. 16), DBS & Associates Engineering of Clarksville, Inc. ("DBS") was substituted for DBS & Associates of Clarksville, Inc., originally named as a defendant in this case. By order entered November 17, 2010 (Docket Entry No. 103), the plaintiffs' claims against defendant DBS were dismissed with prejudice.

5. The defendants shall have until September 15, 2011, to serve Rule 26(a)(2) rebuttal expert disclosures.

6. All fact discovery shall be completed by October 1, 2011.

7. Any discovery motion relating to fact discovery shall be filed by October 3, 2011.

8. All expert discovery shall be completed by October 15, 2011.

9. Any dispositive motion shall be filed by November 1, 2011. Any response shall be filed within 30 days of the filing of the motion or by December 1, 2011, if the motion is filed on November 1, 2011. Any reply, if necessary, shall be filed within 14 days of the filing of the response or by December 15, 2011, if the response is filed on December 1, 2011.

No other filings in support of or in opposition to any dispositive motion shall be made except with the express permission of the Honorable Thomas A. Wiseman, Jr.

There shall be no stay of discovery before the October 1, 2011, deadline for completion of fact discovery or the October 15, 2011, deadline for completion of expert discovery even if a dispositive motion is filed prior thereto.

In consultation with Judge Wiseman's office, a bench trial is scheduled to begin on **Tuesday, March 20, 2012, at 10:00 a.m.**, in Courtroom 783, U.S. Courthouse, 801 Broadway, Nashville, TN. The parties estimate that the trial will last 1-2 days.

The pretrial conference is scheduled on **Friday, March 9, 2012, at 10:00 a.m.**, in Chambers, 777 U.S. Courthouse.

A separate order will be entered providing the parties' obligations prior to the pretrial conference.

It is so ORDERED.

  
JULIET GRIFFIN  
United States Magistrate Judge